

JAMHURI YA MUUNGANO WA TANZANIA  
MAMLAKA YA MAWASILIANO TANZANIA  
ISO 9001:2015 CERTIFIED



**KATIKA KAMATI YA MAUDHUI YA MAMLAKA YA MAWASILIANO  
TANZANIA, DAR ES SALAAM**

**SHAURI NA. 05 - 2020/2021**

**DHIDI YA**

**CLOUDS ENTERTAINMENT FM RADIO**

**UAMUZI**

**UAMUZI WA KAMATI YA MAUDHUI KUHUSU TUHUMA ZA UKIUKAJI WA  
KANUNI ZA MAWASILIANO YA KIELEKTRONIKI NA POSTA (MAUDHUI YA  
UTANGAZAJI WA REDIO NA TELEVISIENI), 2018.**

**1.0 MAELEZO KUHUSU UKIUKAJI WA KANUNI**

- 1.1 Mamlaka ya Mawasiliano Tanzania (TCRA) ilitoa leseni ya kurusha Matangazo (Matangazo ya Redio) kwa Kituo cha **CLOUDS ENTERTAINMENT FM RADIO** kwa ajili ya kutoa huduma ya utangazaji wa maudhui kwa njia ya redio.
- 1.2 Tarehe 26 Juni, 2020 kati ya Saa 10.00 na 12.00 jioni, **CLOUDS ENTERTAINMENT FM RADIO** kupitia kipindi cha **"Jahazi"** wanatuhumiwa kukiuka Sheria, Kanuni na Maadili ya Utangazaji kwa kurusha maudhui yasiyo na lugha ya staha na yenye kuhamasisha ufanyaji wa vitendo vya kujichua au kupiga punyeto ili kupata mbegu za kiume kwa ajili ya matumizi ya kupata watoto.
- 1.3 Watangazaji wa kipindi hicho walisikika wakishabikia vitendo hivyo huku wakichukulia kama ni suala la utani (Plank) bila ya kuzingatia maadili na hivyo kushindwa kumlinda mtoto asiweze kuathiriwa na maudhui yasiyofaa na yenye vionjo vya "upigaji punyeto" pamoja na ngono. Watangazaji hawakupaswa kutangaza maudhui yenye kuhamasisha kujichua sehemu za siri na ufanyaji wa ngono kwani yanaweza kuhamasisha jamii, hasa vijana na watoto kujaribu au kuiga tabia hiyo mbaya na yenye madhara makubwa kwa ustawi wa jamii.

1.4 Watangazaji wa Kituo hicho walisikika wakisema maneno yafuatayo:

**Fetty:**

*"... Okay tunajua siku zote Friday ni miyeyusho lakini plank dei kwenye miyeyusho ndio bwana naa ... siku ya leo kwenye plank tumemplank mtu mzima Eidwai Adam Mchomvu, mzee wa wapoloo eeh...nilimpigia simu nikamwambia yaani nikajifanya kama demu fulani classic hivi mmh eeh! mtoto wa kishua fulani hivi na keshi zangu kama hivi...lakini nikampigia kwamba nataka mbegu tu...mbegu tu... eeh ili niweze kupata mtoto wangu no strings attached; ili niweze kupata mtoto wangu tu...yaani akishanipa mbegu; tambaa. Kwa sababu mtoto wake yule Brandon kama handsome fulani hivi .....namtoa; namtoa na cash, mazungumzo yalikuwa hivi; Plank dei Adam Mchomvu:*

**Simu:**

*"Hello yaah mambo...poaz niaje...poa...how are you doing...yeah whatsapp...aah good...happy to talk to you... "mi nae nyang'au ... mimi naitwa Emmy...mmh!!...napiga simu kutoka Masaki...eenh! napiga simu kutoka Masaki... okay...aaamh...can we talk...yes of course we can...we can yaah thank you...aaamh first of all I just I just like you...I just love you...love love love love loves you ... conversation continues from the bottom of my heart for real; okay? ...so where is it came from? aamh I just got your number from one of my friends...nikisema nikupigie ... mmh!!... aamh here is a deal, okay? Mmh mmh!! Aaamh! I like you and I love you...and I know you have a wife ... so called wife!... and you have very cute handsome boy, okay? Brandon Okay? I respect yah! Yaah! Here is a thing I want to offer you something but you give me something in return? No strings attached, okay?! Eeenh! If you don't agree, if you don't agree then it's okay but just hear me out, okay?! Yaah! I have some cash and Iam 32 years old right now I'm done with college, done with everthing I'm here in Tanzania; I am stacked here, since the corona virus thing; hopefully, probably by July I will be gone back to Boston Masachusset....and I real like you and I know I can't real be with you im sorry, I know I can't be with you; you can't be with me I know, now; I only need, they say it in swahili...I only need your mbegu, and nothing to do with you, and I pay you for that, is that okay?! ...Okay?! I'm funny? ...This is very serious joke; you know that.... It's not a joke I'm sorry...It's between me and you...so why you did not tell me before you tell me now when you're about to travel on...because I don't want you to have anything to do with whatever we gonna decide right now...I only need your sperms...and I will leave with your sperms...I will give you cash...I have...just a second ... I have two thousand one hundred and thirty-four thousand dollars, for you; and you don't know me...I don't wanna know you...but I need your sperms...and I wanna leave with your sperms...and I'm not gonna come back in Tanzania; that's a deal; That's why I am calling you know.... I like you...I love you...I don't wanna get into your marriage... I don't wanna get in between you, I know you have a kid, I don't wanna do that; but I just feel like having a kid with you...not disturbing you*

*but me personally when I go back to Massachusset in Boston be happy with my life...I that okay, can you do a deal...Okay ... so nice to hear from you but I need to find out who is real who where is came from...okay...why are you decide that , why did you decide that, why choosing me...because I like you...why you didn't tell me before ... Adam it is very hard to find you my friend; it's so hard to find you...and you know that...you're fucking celebrity I don't do know where to find you...where did you get my number ... I got your number from one of your very good best friend that I hang out with ...!!!? Mention you.... wauh I love your confidence...I am really happy to hear from you ... asantee ... I want to see... ooh you want to see me? ... kwa sababu I want to pay you money you give me your sperm... I don't want relationship with you; how can I give it to you now this is how you will give it to me okay? Hear me out correctly okay? Mmh! Aahm! Ejaculate wherever you can be, okay? In swahili they say piga punyeto, okay? ... I m sorry to say that... I know how tall you're I don't wanna see your whole face...why...because I don't want to do anything with your wife.... comeon?!...yes! comeon...okay this is what you can do, okay?! Just record yourself when you are ejaculating, okay? Record yourself doing it, I want to like with your face...okay? And put it in a bottle... I will provide the bottle...nitakuletea...okay and you give it to me within fifty minutes, after you've done that... I will send my driver.... laughter from Adam: this is very funny men...interruption...noonoono...im sorry...let's end this if you think... !! okay? Im sorry.... I want to meet you...no way I can do that.... I pay you you give me your sperms...can I do video call can you do video call? Right now? Yeah I wanna see you...yes...right now I am calling you... video call...*

## **2.0 KANUNI ZILIZOKIUKWA**

Kitendo cha kutangaza kipindi chenye maudhui ya lugha isiyo na staha na yenye kuhamasisha ufanyaji wa vitendo vya ngono, kujichua au kupiga punyeto, **CLOUDS ENTERTAINMENT FM RADIO** inatuhumiwa kukiuka Kanuni Na. 11 (1) (c), 12(1) (a), (d) na 14 (a), (b) na (c) za Kanuni za Mawasiliano ya Kielektroniki na Posta (Maudhui ya Utangazaji wa Redio na Televisheni) 2018, ambazo zinasomeka kama ifuatavyo:

- 11.-(1) *A licensee shall ensure that the programme and its presentation-  
(c) observes good taste and decency;*
- 12.-(1) *A content services licensees shall-  
(a) ensure that due care is exercised in order to avoid content which may disturb or be harmful to children;  
(d) protect children from negative influences.*
14. *Every content services licensee shall not provide content-  
(a) unsuitable for children when large numbers of children may be expected to be part of the audience;*

*(b) which depicts or contains scenes of violence, sexually explicit conduct or offensive language intended for adult audiences during watershed period;*

*(c) which contains excessive and gross offensive language used in content transmitted during the watershed period.*

### **3.0 WITO WA KUTOA MAELEZO YA UTETEZI**

Tarehe 27 Julai, 2020, Kamati ya Maudhui iliundikia uongozi wa **CLOUDS ENTERTAINMENT FM RADIO**, wito wa kuwasilisha utetezi wao wa maandishi pamoja na kufika mbele ya Kamati ya Maudhui kujieleza dhidi ya tuhuma zinazowakabili.

Tarehe 07 Agosti, 2020, Uongozi wa **CLOUDS ENTERTAINMENT FM RADIO** uliwasilisha utetezi wa maandishi uliosainiwa na **Sheba M. Kussaga**, Mkurugenzi wa Maendeleo na Biashara. Pia, tarehe hiyo hiyo Uongozi huo ukiwakilishwa na **Sheba M. Kussaga**, **Sebastian Maganga**, Mkuu/Msimamizi wa Maudhui, **Gardner G. Habash**, Mtangazaji wa Kipindi cha **Jahazi**, **Fatma H. Ahmed**, Mtangazaji wa Kipindi cha **Jahazi**, **Simon Simalenga**, Afisa Uhusiano pamoja na **Abdul Chembea**, Msimamizi/Mtayarishaji wa Kipindi cha Jahazi ulifika mbele ya Kamati kutoa utetezi.

### **4.0 KUSOMEWA SHITAKA NA KUSIKILIZA MAUDHUI YA CLOUDS ENTERTAINMENT FM RADIO**

Kamati ya Maudhui iliusomea Uongozi wa **CLOUDS ENTERTAINMENT FM RADIO** shitaka lao. Pia, Kamati ya Maudhui na Uongozi wa **CLOUDS ENTERTAINMENT FM RADIO** walisikiliza maudhui yaliyotangazwa na **CLOUDS ENTERTAINMENT FM RADIO** tarehe 26 Juni, 2020 kupitia Kipindi cha **Jahazi** na kisha kuualika Uongozi huo kujitetea ili kujiridhisha iwapo maudhui hayo yalikiuka Kanuni au la.

### **5.0 UTETEZI WA CLOUDS ENTERTAINMENT FM RADIO**

Katika utetezi wao wa maandishi, **CLOUDS ENTERTAINMENT FM RADIO** walisema kuwa wanakiri upungufu na udhaifu uliojitokeza hasa katika matumizi ya lugha isiyozingatia malezi ya watoto.

Pia, walisema kuwa wamewasimamisha kazi mtangazaji na mtayarishaji wa kipindi waliohusika, Bi. Fatma Hassan kwa kipindi cha wiki mbili na Bwana Abdul Chembea kwa kipindi cha mwezi mmoja. Waliendelea kueleza kuwa Kituo chao kimeanza mafunzo rasmi ambayo yatatolewa mara kwa mara kwa watangazaji na waandaji wa vipindi kuhusiana na matumizi sahihi ya lugha ya utangazaji.

Walimalizia utetezi wao kwa kusema kuwa kwa vile mafunzo hayo ni endelevu, wanaomba Kamati iwaonee huruma katika kutoa adhabu katika shauri hili.

Katika utetezi wao wa mdomo, **CLOUDS ENTERTAINMENT FM RADIO** walisema yafuatayo:

- 5.1 **Simon Simalenga** alirudia maelezo yao ya maandishi na kisha kuikabidhi Kamati nakala za barua za kuwasimamisha kazi mtangazaji na mtayarishaji wa kipindi waliohusika.
- 5.2 **Sheba Kussaga** alisema kuwa wanaomba radhi na kwamba hawawezi kupinga kosa walilolifanya kwani liko wazi na wanalazimika kuwajibika nalo kwa asilimia mia moja.
- 5.3 **Sebastian Maganga** alisema kuwa hawafurahii mazingira ya kuitwa na Kamati mara kwa mara na aliahidi kuwa watajirekebisha.
- 5.4 **Abdul Chembea** alisema kuwa wakati kipindi hicho kikirushwa hewani, yeye alikua kwenye chumba cha uandaaji wa habari (production room) akiandaa kipindi cha kesho yake lakini na pia alikuwa akikifuatilia kipindi hicho kilichokuwa kinaendelea hewani.
- 5.5 **Fatma Hassan** alisema kuwa ana uzoefu wa miaka tisa (9) wa kazi ya utangazaji katika Kituo cha **CLOUDS ENTERTAINMENT FM RADIO** na kwamba anazijua Sheria na Kanuni za Utangazaji.
- 5.6 **Gardner Habash** alisema kuwa wanaomba huruma ya Kamati kwa sababu waliohusika wameshaadhibiwa na Ofisi. Aliendelea kuiomba Kamati iyazingatie mazuri ambayo Kituo chao kinayafanya na iwaelimishe waweze kuendeleza ubora.

## **6.0 TATHMINI YA KAMATI**

- 6.1 Kamati ya Maudhui imebaini kuwa **CLOUDS ENTERTAINMENT FM RADIO** imetenda kwa makusudi kosa kwa sababu makosa ya namna hii yana historia ya kujirudia licha ya Kamati kuwaonya mara kadhaa ;
- 6.2 Kamati ya Maudhui imebaini kwamba, maudhui ya kipindi cha **Jahazi** yalilenga kuhamasisha ufanyaji wa vitendo vya kujichua au (punyeto) na hivyo kuleta athari kwa jamii pamoja na kuwahamasisha watoto na vijana kuiga tabia hizo mbaya;
- 6.3 Kamati ya Maudhui imejiridhisha kuwa **CLOUDS ENTERTAINMENT FM RADIO** wana udhaifu mkubwa katika maandalizi/utayarishaji, usimamizi na uhariri/uhakiki wa maudhui yao. Iwapo wangekuwa na Usimamizi makini wasingeruhusu maudhui hayo kutangazwa;
- 6.4 Kamati ya Maudhui imebaini kuwa **CLOUDS ENTERTAINMENT FM RADIO** na hasa kupitia kipindi cha **Jahazi**, wamekuwa wakikiuka mara kwa mara Sheria na Kanuni kwa kutenda makosa ya aina hii na hivyo kuitwa mbele ya Kamati ya Maudhui kujieleza. Ndani ya kipindi kifupi **kuanzia Juni, 2020 mpaka Agosti, 2020, CLOUDS ENTERTAINMENT**

**FM RADIO**, kupitia kipindi hicho cha **Jahazi** wameitwa mbele ya Kamati mara mbili na kwa makosa yanayofanana. Kabla ya shauri hili, waliitwa tarehe 24 Juni, 2020 kwa kosa linalofanana na hili, walilolitenda tarehe 04 Juni, 2020 na katika uamuzi wake uliosomwa tarehe 01 Julai, 2020, walitozwa Faini ya Shilingi Milioni Tano (TZS 5,000,000), Onyo kali pamoja na kutahadharishwa kuwa hatua kali za kisheria zinaweza kuchukuliwa dhidi yao iwapo hawatajirekebisha na kurudia makosa kama hayo;

- 6.5 Kamati ya Maudhui imeona kuwa kwa uzoefu mkubwa wa **CLOUDS ENTERTAINMENT FM RADIO** katika tasnia ya Utangazaji wa Habari wanapaswa kuonesha mfano wa kuzingatia Sheria, Kanuni na Maadili ya Uandishi na Utangazaji wa Habari pamoja na Sheria zote za nchi wakati wote;
- 6.6 Hivyo, Kamati ya Maudhui imeridhika kuwa **CLOUDS ENTERTAINMENT FM RADIO** imetenda kosa la kutangaza maudhui yenye lugha isiyo na staha na yenye kuhamasisha ufanyaji wa vitendo vya ngono, kujichua au kupiga punyeto kinyume na Kanuni Na. 11 (1) (c), 12(1) (a), (d) na 14 (a), (b) na (c) za Kanuni za Mawasiliano ya Kielektroniki na Posta (Maudhui ya Utangazaji wa Redio na Televisheni) 2018.

## **7.0 USHAURI WA KAMATI KWA CLOUDS ENTERTAINMENT FM RADIO**

- 7.1 Kutokana na makosa yaliyobainika, Kamati inaushauri Uongozi wa **CLOUDS ENTERTAINMENT FM RADIO** kuimarisha utayarishaji, usimamizi na uhariri wa vipindi vyao ili kuepuka uvunjaji wa Sheria, Kanuni na kuzingatia Maadili ya Uandishi na Utangazaji wa Habari;
- 7.2 **CLOUDS ENTERTAINMENT FM RADIO** wanashauriwa kuhakikisha wanawapatia watangazaji na watayarishaji/wasimamizi wa vipindi mafunzo ya mara kwa mara kuhusu Sheria, Kanuni na Maadili ya Uandishi na Utangazaji wa Habari kwa ujumla ili kuepuka kujirudia kwa makosa haya.

## **8.0 UAMUZI WA KAMATI**

Baada ya kuutafakari kwa kina utetezi uliotolewa na Uongozi wa **CLOUDS ENTERTAINMENT FM RADIO**, Kamati ya Maudhui imeridhika pasi na shaka kuwa **CLOUDS ENTERTAINMENT FM RADIO** kupitia kipindi chake cha **Jahazi** wamekiuka Kanuni tajwa za Mawasiliano ya Kielektroniki na Posta (Maudhui ya Utangazaji wa Redio na Televisheni), 2018.

Hivyo basi, kwa mujibu wa Kifungu cha 28 (1) (b) na (d) cha Sheria ya Mamlaka ya Mawasiliano Tanzania, Sura ya 172, Marejeo ya Mwaka 2017, Kamati ya Maudhui inaamua kutoa adhabu ya kukifungia kipindi cha **Jahazi** kuanzia tarehe ya uamuzi huu. Uamuzi huu umefikiwa kutokana na Kamati ya Maudhui kubaini kuwa **CLOUDS ENTERTAINMENT FM RADIO** imekuwa ikitenda makosa ya aina hii

mara kwa mara kupitia kipindi hicho cha **Jahazi** kama ilivyoelezewa vizuri kwenye Tathmini. Kamati, pia, inaelekeza Uongozi wa **CLOUDS ENTERTAINMENT FM RADIO** usijaze muda wa kipindi cha **Jahazi** kwa kuweka kipindi kingine chenye maudhui, kwa namna yo yote ile, yanayofanana na maudhui ya kipindi cha **Jahazi** kilichofutwa.

Uamuzi huu umetolewa na kusomwa Dar es Salaam, leo tarehe **14 Agosti, 2020**.

Haki ya kukata rufaa dhidi ya uamuzi huu kwenye Baraza la Ushindani wa Haki Kibiashara (Fair Competition Tribunal – FCT) iko wazi ndani ya siku 21 (ishirini na moja) kuanzia siku ya kusomwa kwa uamuzi huu.

**Uamuzi huu umesainiwa na:**

**Joseph Method Mapunda**

  
.....  
**Makamu Mwenyekiti wa Kamati ya Maudhui**  
14414 DAR ES SALAAM  
TANZANIA

**PAMOJA NA WAJUMBE WAFUATAO WA KAMATI YA MAUDHUI:**

1. **Abdul Ramadhani Ngarawa**.....  


2. **Derek Kaitira Murusuri**.....  


3. **Jacob Gregory Tesha**.....  
